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C O N F I D E N T I A L SECTION 01 OF 02 HAVANA 000106

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STATE DEPT FOR WHA/CCA

E.O. 12958: DECL: 01/31/2017

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SUBJECT: ANATOMY OF AN INJUSTICE: CUBA'S RENE GOMEZ MANZANO

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Classified By: Charge d'Affaires Buddy Williams for Reason 1.4(d).

11. (C) Summary: Cuban political detainee Rene Gomez Manzano, who has spent more than 18 months in prison without charge, is a poster child for legal-system injustice. An attorney disbarred in 1995 for advocating legal reforms, Gomez was nursing a cold at home on July 22, 2005 when five political police officers arrested him for public disorder. He was accused of taking part in a protest earlier in the day outside the French Embassy in Havana. In fact, he had not participated. This annoying detail has yet to prompt the Cuban Government to set Gomez free. He is a close associate of Martha Beatriz Roque, and only one of 283 documented political prisoners and detainees in Cuba. End Summary.

12. (C) No protester, eyewitness or journalist has ever placed Gomez, now 63, near or at the scene of the 2005 French Embassy protest. However, January 30 marked his 558th day behind bars. He was held first at a police station, then at the Villa Marista detention center, where he launched a hunger strike. Four foodless days later, the GOC transferred him to the Carlos Finlay military hospital and, not long thereafter, to Nieves Morejon prison in Sancti Spiritus province, in central Cuba.

POLICE DOSSIER UNDER WRAPS  
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13. (C) The police dossier on Gomez has never been made public. However, the Havana City Provincial Tribunal noted in a written statement on Nov. 16, 2005 that the dossier accuses Gomez of having "participated in disturbing the public order... in front of the French Embassy ... with the subversive objective of destroying the independence and economy of Cuba." (Note: The protest was aimed at criticizing the arrests and beatings, nine days earlier, of around 40 dissidents who commemorated the GOC's 1994 sinking of the "13 de Marzo" tugboat. The July 22, 2005 protestors chose to demonstrate outside the French Embassy because the French had invited the Cuban Foreign Minister to attend a Bastille Day celebration on July 14, 2005. End Note.)

ROQUE: GOMEZ OPPOSED THE PROTEST  
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14. (C) Although the July 22, 2005 protest was organized by Martha Beatriz Roque, head of the Assembly to Promote Civil Society (APSC), of which Gomez is an executive, Roque told us on January 30 that Gomez strongly opposed the protest idea.

She said Gomez argued that the 40 citizens who carried out the "13 de Marzo" protest were merely trying to burnish their refugee credentials, to be allowed to leave the island. Roque, who has worked hard to draw public attention to Gomez's case, made clear that he had played no part in organizing the event or taking part in it.

#### SIX-MONTH MAXIMUM

15. (C) The lack of a connection between Gomez and the July 22, 2005 protest has not compelled the GOC to release him. According to Cuba's Code of Penal Procedure, police investigators have no more than six months to forward their dossier to the Public Prosecutors Office for action. Article 107 of the Code also allows the Attorney General (AG) to grant "a new term" (usually lasting one, two or three months) to give the police more time for investigation. In Gomez's case, the AG has authorized nine new terms, and appears likely to grant more in the future.

#### LEGAL CHALLENGES REJECTED

16. (C) Gomez, who is unmarried, receives periodic visits from his only sibling, Jorge, who has spent much of the past year and a half waging a legal battle with the GOC to win freedom for his brother. Jorge, a sculptor aged 74, told us on January 29 that the GOC had accepted but eventually denied six separate legal petitions he filed, including a writ of habeas corpus, formal complaints with the AG, and several appeals. Thus far, 30 provincial-court judges and Supreme-Court justices have ruled that Gomez's "provisional imprisonment" is being carried out in strict accordance with Cuban law. Jorge, who mocks the "provisional" designation, faults the GOC for proceeding with a case that "they know is false; they know he wasn't at the protest." Jorge adds: "The fact is, my brother's case is being decided at high levels."

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The judges have no say in the matter."

#### GETTING BY

17. (C) Gomez, a Havana native, continues to kill time at Nieves Morejon, a maximum-security prison known for its brutality. He has not been mistreated, his brother says, adding that guards seem to have an unspoken respect for him, although fellow prisoners sometimes steal food brought in by visitors. This is not Gomez's first incarceration. In 1997, he started serving a four-year term for being one of four signers of "The Homeland Belongs to All," a document written in response to a Communist Party manifesto on Cuba's "genuinely democratic system." Jorge says Gomez remains in high spirits and "rooted in his convictions."

#### COMMENT

18. (C) The likely reason for Rene Gomez Manzano's arrest and detention was his leadership and organization of a large gathering of the Assembly to Promote Civil Society, on May 20, 2005. He is only one of 283 political prisoners and detainees documented by Elizardo Sanchez's Cuban Commission for Human Rights and National Reconciliation. Thousands of other Cubans are serving prison terms of up to four years for "dangerousness," in the absence of any criminal activity. The well-being of Cuba's political prisoners and detainees is difficult to ascertain. The GOC allows occasional visits by close family members but not journalists or human rights advocates. The ICRC has not been allowed to visit since 1989.

WILLIAMS